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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

OREGON FIREARMS FEDERATION,)
INC., et al.,)
)
Plaintiffs,)
)
) Case Nos.
v.) 2:22-cv-01815-IM
)
) 3:22-cv-01859-IM
KATE BROWN, et al.,) 3:22-cv-01862-IM
)
) 3:22-cv-01869-IM
Defendants.)
)
)
)
(Continued))

* VIDEOCONFERENCE *
VIDEOTAPED DEPOSITION UPON ORAL EXAMINATION
OF
JASON J. MYERS

Witness located in:

Salem, Oregon

* All participants appeared via videoconference *

DATE TAKEN: February 1, 2023

REPORTED BY: Tia B. Reidt, Washington RPR, CSR #2798
Oregon #22-0001BUELL REALTIME REPORTING, LLC
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(Continued)

MARK FITZ, et al.,
v. Plaintiffs,
ELLEN F. ROSENBLUM, et al.,
Defendants.

KATERINA B. EYRE, et al.,
v. Plaintiffs,
ELLEN F. ROSENBLUM, et al.,
Defendants.

DANIEL AZZOPARDI, et al.,
v. Plaintiffs,
ELLEN F. ROSENBLUM, et al.,
Defendants.

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1 Q. If -- if the courts in Oregon ultimately
2 determine that Measure 114 is constitutional, will the
3 Oregon State Sheriffs' Association take any further
4 action to advise its members that Measure 114 is not
5 constitutional?

6 A. I'm not sure I can answer that question
7 because it hasn't happened, and so the question isn't
8 before the board.

9 Q. Are you personally aware of any sheriff's
10 office that intends to refuse to implement Measure 114
11 on the grounds that it is unconstitutional?

12 A. I cannot answer that question. I'm not aware.

13 Q. Not aware. Okay.

14 Has OSSA taken a position on whether
15 Measure 114 is constitutional under the Oregon
16 constitution?

17 A. No. That position statement was under the
18 federal constitution.

19 Q. And I'm sorry to go backward for just a
20 moment, but, Sheriff Myers, just so I understand your
21 previous testimony, to your knowledge, you're not aware
22 of any sheriff's office that intends to refuse to
23 implement Measure 114 on the basis that it is
24 unconstitutional; correct?

25 A. Yes, I'm not aware.

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Q. So who -- what kind of individuals -- what roles of individuals are members of the permit agent workgroup?

A. Well, we thought it was important that these -- the workgroup be made up of subject matter experts. So they're folks that will actually be doing the job.

And so for OSSA, the representatives are civil managers with CHL experience. And they come from both large, medium, and small sheriff's offices.

And on the chief side, we have kind of similar -- there are records supervisors, although the chiefs have no experience with issuing CHL. We're trying to get that kind of subject matter expert, that level of individual that would be responsible for this and/or has responsibilities for similar kind of programs.

Q. When you say "chiefs," you're referring to the -- to Oregon police chiefs; correct?

A. Yeah, the Chief's Association, yes.

Q. Okay.

What is the status of the process map?

A. We -- so that group has met probably about four or five times. They are to the point -- they're very close to finishing their work product, which I

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just mentioned was a 22-page process that I have in front of me.

It's very in-depth, because there are a lot of steps and a lot of liability if any of those steps are missteps. So they are to the point where they are just about ready to finalize their recommendation.

Q. And who will that recommendation be made to?

A. That recommendation will go to the OSSA and OACP executive committees.

Q. And do you expect those committees to vote on the recommendation?

A. Yes. I'm sure there will be a discussion.

I'm sure that there will be questions. There may be even suggestions that items go back to the workgroup for further detail or changes. But I anticipate, in a process like this, that will occur -- it's entirely up to those bodies to determine and, you know, eventually vote and approve whatever the recommendations are.

Q. What is the effect of an approval by OSSA?

A. Well, I think it's important to be consistent throughout the state. So having those two bodies review the work and make sure that it meets the letter intent of the measure and is applied consistently across the state. So I think having that oversight is very important to ensure fairness to individuals that

ANSWER

will be shortly.

Q. Got it. And the second phase, you mentioned, is approval. That's just the discussion and potentially voting with the OSSA and OACP executive committees that we just discussed; correct?

A. That is correct.

Q. Has a -- will those committees discuss the recommendation together or separately?

A. My vision is to do it together. I think there's -- it's important for chiefs and sheriffs -- again, for consistency and working off the same sheet of music -- that they have this discussion together and make decisions together because they're equally married to this, for lack of better words, in terms of the process. So, yes, that is my vision as to how to work together.

Q. Has that meeting been scheduled?

A. It has not, because we're again -- as soon as it's finalized, we will work to schedule that meeting as soon as possible.

Q. Okay.

And Phase III is implementation. You mentioned a few things that might need to occur there. Two of them that I managed to scratch down were training and technical assistance.

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Are there other implementation items that --
or are there other items that go into implementation
other than training and technical assistance?

A. Those are the two items. I said information sharing, education, training, and technical assistance. It's the way I see it. Because some offices -- some sheriff's offices have experience with CHL. It may be a little easier. And then you have agencies like police departments that have no experience. So it just varies on their levels of sophistication or knowledge.

Q. My understanding is that Measure 114 allows sheriffs in local police departments to assign a designee to carry out the responsibilities of processing applications and issuing permits.

Has there been any discussion of either sheriffs or police departments designating each other as the permit agent for their jurisdiction perhaps under some kind of cost-sharing agreement?

A. Not at -- not at the association level that I'm aware of. I'm certain there's probably discussions at the local level, but I cannot answer that because I've not been privy to those conversations.

Q. Okay.

Are you aware of any reason why a sheriff or police department couldn't, if they reached an

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have taken that online training; is that correct?

A. That is correct.

Q. So to go back to that in-person demonstration component, what is the status of the workgroup's work on that component of Measure 114?

A. So the workgroup finalized its recommendations, and we set a meeting that was going to be held between both OSSA and the OACP executive committees. And that meeting was held a couple weeks ago.

Unfortunately, the OACP's executive committee, because of a foul-up in scheduling, wasn't able to attend. But we went ahead with that meeting because it was in my declaration that it was going to happen.

And so the OSSA executive committee reviewed the recommendations and had some items that they wanted the workgroup to take a look at again and/or readdress. And so those items were sent back to the workgroup, which has met and addressed all of those issues and has finalized their work product.

And so that one is very close. The work product is just being vetted. It was captured by the chair and put into the documents, and now that information is being vetted right now. And once that is approved by the workgroup, that will be going before

the joint OSSA and OACP executive committees.

I will note there are two, kind of, areas that are outstanding that we -- they're difficult because the measure didn't articulate on those items, but they are very, very critically important.

Q. Yeah. What are those two areas?

A. The first area is around proficiency, what constitutes proficiency. There's no indication in there. So if it takes a person two hours to take this in-person demonstration, does that mean they're proficient or not proficient? It's subjective.

The other item is around individuals with disabilities. There is no -- the measure is silent on ADA issues or any kind of ADA accommodations, and that is an area of high litigation. So that's an area that is of great concern as we were putting this together.

What happens if we have a person that comes in that, for all other purposes other than maybe they don't have arms and can't handle a firearm but, for all other purposes, could, under the Second Amendment, purchase a firearm? There's no other issues other than they have an ADA issue. How do we give that individual an accommodation?

So those are the two outstanding areas that we think create a little bit of -- or, in some cases, a

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Q. Got it.

And then the liability that the other workgroup is considering, it concerns potentially refusing to issue or issuing a permit to someone who either may not be appropriate to have a permit or should have received a permit; is that right?

A. That's correct.

Q. And are you aware of any other liabilities that the workgroups have considered?

A. No, I'm not.

Q. Once the in-person demonstration proposal is approved by OSSA and OACP's executive committees, what will happen next with that recommendation?

A. So it will be similar to the permit agent workgroup. It will kind of be that Phase III, which is the implementation phase. So that would be information sharing, training, and technical assistance.

And that one is going to be both for law enforcement and, depending on the potential for other entities to be certified, what does that look like, and how do we ensure that those entities receive the same information, same training, same forms, and that they're following those so that there's consistency?

Q. And so the recommendation that is approved by OSSA and OACP, executive committees would be

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1 promulgated to the members of each association along
2 with the training and information sharing that you
3 discussed; correct?

4 A. That's correct.

5 Q. And once OSSA's members have that
6 recommendation, they can then make a decision about who
7 and whether to certify in-person demonstration
8 trainers; correct?

9 A. Yes.

10 Q. Yeah.

11 And just so -- I think you have been clear
12 about this. But just to make sure that the record is
13 clear, OSSA itself will not certify in-person
14 demonstration trainers; is that right?

15 A. I don't know that because the boards haven't
16 met and made that determination. It's probable that it
17 won't, but I can't say that because that is a decision
18 that will be at the board -- at the executive committee
19 level.

20 Q. Got it.

21 A. So you would be asking me to answer a question
22 that they're the ones that make that decision of
23 determination.

24 Q. Sure. Fair enough.

25 And do you know if the workgroup is going to

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1 decisions that are preventing enforcement were to run
2 out or be vacated by other courts and the measure were
3 to go into effect, what -- is there any contingency
4 plan for how a sheriff's office would accept an
5 application and issue a permit?

6 A. Well, since it does -- since nothing exists,
7 there's really no contingency plan because I think our
8 organization and the chiefs are working towards that,
9 but the pieces aren't in play. So I don't know how you
10 do something when you don't have all of the components
11 to be able to effectuate it.

12 Q. The first two items you mentioned are things
13 that we have talked a lot about, that's the process and
14 the in-person demonstration. And I understand the
15 workgroups are working on that.

16 And, eventually, you know, I think it's -- you
17 would say it's fair to assume that there will be an
18 approval on a recommendation at some point; correct?

19 A. Yes.

20 Q. Okay.

21 So does that mean that the only -- you know,
22 the only legal impediment to Measure 114's eventual
23 implementation is the FBI issue?

24 A. Legal impediment? Yeah, that's the aspect I
25 see. There are other impediments as well, and I think

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1 I've stated those.

2 Q. Yeah. Got it.

3 And those other impediments are just, you
4 know, the process isn't complete and the in-person
5 demonstration is impossible to take at present;
6 correct?

7 A. Yeah. And the resources don't exist in terms
8 of personnel because there was no funding that came
9 along with this. So that is another impediment.

10 And, honestly, I believe that if, as you were
11 saying, everything was vacated and it's all systems go,
12 even if everything was stood up and working, the system
13 will be overwhelmed. Because I know from experience in
14 watching this happen, individuals are going to descend
15 on this. And it's probably going to be numbers that
16 are astronomical.

17 And so without the system being stood up,
18 without the resources, it will -- the system will be
19 overwhelmed just by the sheer vast numbers. And I
20 think it's at OSP as well. They don't have the
21 resources either. So it's system-wide. The resources
22 are not there. So even if you have the systems in
23 place, that is still an impediment as well.

24 Q. Got it.

25 And we haven't talked about resources yet.

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STATE OF WASHINGTON

COUNTY OF PIERCE

I, Tia Reidt, a Certified Court Reporter in and for the State of Washington, do hereby certify that the foregoing transcript of the deposition of JASON J. MYERS, having been duly sworn, on February 1, 2023, is true and accurate to the best of my knowledge, skill and ability.

Reading and signing was requested pursuant to FRCP Rule 30(e).

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 6th day of February, 2023.

17
18 

19 /S/ Tia B. Reidt
20 Tia B. Reidt, RPR, CCR #22-0001
NOTARY PUBLIC, State of
Washington.
21 My commission expires
5/15/2026.
22
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24
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